

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

12 SEP 24 AM 11:28

CLERK-ALBUQUERQUE

No.

12cv996 JP/RHS

ANTOINETTE TAFOYA,  
DAUGHTER OF AND ON BEHAF OF  
ASPEN NOELLE, SISTER OF AND  
ON BEHAF SETH TAFOYA AND IAN TAFOYA  
PETITIONER,

V.

H. PAUL TSOSIE, SANTA CLARA  
PUEBLO JUDGE, GLEN GUITRREZ,  
SANTA CLARA PUEBLO POLICE CHIEF,  
WALTER DASHNO, SANTA CLARA PUEBLO  
GOVERNOR, SANTA CLARA TRIBAL COUNCIL  
AND SANTA CLARA PUEBLO,  
RESPONDENTS,

**PETITION FOR A WRIT OF HABEAS CORPUS**

- 1) This court has jurisdiction by virtue of U.S.C. 1303 and 28 U.S.C. 2241. 25 U.S.C. 1303 has been authoritatively constructed to constitute a Congressional waiver of the sovereign immunity of Indian Tribes to suit. Santa Clara Pueblo v. Martinez, 436 U.S. 49 (1978).
- 2) Petitioner Antoinette Tafoya is the daughter of Aspen Noelle, the sister of Ian Tafoya and Seth Tafoya.
- 3) We respectively pray aWrit of Habeas Corpus will issue without delay to free Aspen Noelle, Seth Tafoya, IanTafoya from unlawful restraint. We state that:
- 4) Aspen Noelle, Seth Tafoya, and Ian Tafoya are restrained at the Santa Fe County Adult Correctional Facility, located at 4312 State Highway 14Santa Fe, NM 87508, in the custody of Santa Clara Pueblo Police Department;
- 5) To the best of our knowledge and belief, the cause or pretense of the restraint is that Aspen, Seth, Ian have been arrested and charged with one count of Obstruction of Justice;

- 6) The detainment is unlawful because Aspen Noelle is of White decent (see attachment 1-3), Aspen Noelle, Seth Tafoya, and Ian Tafoya are not tribal members; the tribal judge, H. Paul Tsosie, Santa Clara Governor, Walter Dashno, Police Chief, Glen Gutierrez, Santa Clara Tribal Council, Santa Clara Pueblo have shown complete disregard for the fact that Aspen's race is white, and Aspen, Seth, and Iannon-tribal members, as well as their presumed innocence.
- 7) Santa Clara Tribe has singled out Aspen's, Seth's, and Ian's person for unusual and illegal traffic stops and arrests, in a manner suggesting exodus from neutral and legal protections of the United States Federal Law, without justifying such independence of the U.S. Law to appropriate departments
- 8) The Respondents in the case has disregarded Aspen's race and non-tribal membership with denying a Request to Quash Illegal Warrant filed in the Santa Clara Tribal Courts on 9/14/2012 in the defense of non-tribal members in a manner opposing to *United States Statute 18 U.S.C. 1152. Laws governing.*, and opposing the presumption of innocence.
- 9) From September 19, 2012 until the present time, the Petitioner's mother, Aspen Noelle, and brothers Ian Tafoya and Seth Tafoya have been unlawfully detained by Respondents, and each of them.
- 10) There are no available Tribal remedies to exhaust.
- 11) Habeas corpus being a personal right under United States Federal statutes (28 U.S.C. §§ 2241–2256), we present these claims personally, in addition to any claims to habeas corpus relief presented now or in the future by counsel on behalf of Aspen Noelle, Seth Tafoya, Ian Tafoya.

Wherefore, the Plaintiffs seek an immediate Writ from this Court commanding the Respondents to release Aspen Noelle, Seth Tafoya, and Ian Tafoya before this court so this court may investigate into the lawfulness of Aspen's, Seth's and Ian's detainment.

P.O. Box 56822  
Albuquerque, N.M.  
87187

Respectfully submitted,  
Antoinette Tafoya



VERIFICATION

STATE OF NEW MEXICO       )  
COUNTY OF BERNALILLO    )

I, Antoinette Tafoya, have read the foregoing Petition for Writ of Habeas Corpus, and verify that all of the foregoing facts and allegation to be true of my own personal knowledge.

Antoinette Tafoya

Subscribed and sworn to before me this       day of September, 2012.

Notary Pubic

CERTIFICATION OF VITAL RECORD

STATE OF CALIFORNIA  
DEPARTMENT OF HEALTH SERVICES

STATE  
FILE  
NUMBER

64-010847

CERTIFICATE OF LIVE BIRTH  
STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC HEALTH

LOCAL REGISTRATION  
DISTRICT AND  
CERTIFICATE NUMBER

1082

THIS CHILD	1a NAME OF CHILD—FIRST NAME Theresa		1b MIDDLE NAME Phyllis Ann	1c LAST NAME Viarral	
	2 SEX Female	3a THIS BIRTH SINGLE TWIN OR TRIPLET? Single	3b IF TWIN OR TRIPLET THIS CHILD'S BIRTH DATE 1st 2nd 3rd	4a DATE OF BIRTH—MONTH DAY YEAR January 25, 1964	4b HOUR 9:48 A.
PLACE OF BIRTH	5a PLACE OF BIRTH—NAME OF HOSPITAL Providence Hospital		5b STREET ADDRESS (GIVE STREET FOR RURAL ADDRESS OR LOCATION DO NOT USE P.O. BOX NUMBER) 3012 Sumner Street		
	5c CITY OR TOWN Oakland		5d COUNTY Alameda		
MOTHER OF CHILD	6a MAIDEN NAME OF MOTHER—FIRST NAME Sterile	6b MIDDLE NAME Irae	6c LAST NAME Lopez	7 COLOR OR RACE OF MOTHER White	
	8 AGE OF MOTHER AT TIME OF THIS BIRTH 22 YEARS	9 BIRTHPLACE (STATE OR FOREIGN COUNTRY) New Mexico		10 MARITAL STATUS AT BIRTH Single	
USUAL RESIDENCE OF MOTHER (WHERE DOES MOTHER LIVE?)	11a USUAL RESIDENCE OF MOTHER—STREET ADDRESS (GIVE STREET FOR RURAL ADDRESS OR LOCATION DO NOT USE P.O. BOX NUMBER) 1138 14th Avenue		11b IF INSIDE CORPORATE LIMITS CHECK HERE <input checked="" type="checkbox"/> CHECK HERE		IF OUTSIDE CITY CORPORATE LIMITS CHECK ONE <input type="checkbox"/> ON A FARM <input type="checkbox"/> NOT ON A FARM
	11c CITY OR TOWN Oakland		11d COUNTY Alameda		11e STATE California
FATHER OF CHILD	12a NAME OF FATHER—FIRST NAME Jose	12b MIDDLE NAME Dionis	12c LAST NAME Viarral	13 COLOR OR RACE OF FATHER White	
	14 AGE OF FATHER AT TIME OF THIS BIRTH 25 YEARS	15 BIRTHPLACE (STATE OR FOREIGN COUNTRY) New Mexico		16a PRESENT OR LAST OCCUPATION Mechanic	16b KIND OF INDUSTRY OR BUSINESS Pacific Motor Trucking Co.
INFORMANT'S CERTIFICATION	I HAVE REVIEWED THE ABOVE STATED INFORMATION AND HEREBY CERTIFY THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		17a PARENT OR OTHER INFORMANT—SIGNATURE Mrs. Phyllis R. Lopez		17b DATE SIGNED BY INFORMANT January 25, 1964
ATTENDANT'S CERTIFICATION	I HEREBY CERTIFY THAT I ATTENDED THIS BIRTH AND THAT THE CHILD WAS BORN ALIVE AT THE HOUR, DATE AND PLACE STATED ABOVE.		18a PHYSICIAN (GIVE NAME AND ADDRESS) Dr. Paul J. Lopez		18b ADDRESS 3001 High St. Oak. Cal.
REGISTRAR'S CERTIFICATION	19. DATE OF WHICH NAME ADDED BY SUPPLEMENTAL VANE REPORT		20. LOCAL REGISTRAR—SIGNATURE James C. Lopez		21. DATE RECEIVED BY LOCAL REGISTRAR JAN 29 1964



This is to certify that this document is a true copy of the official record filed with the Office of Vital Records.

TERESITA TRINIDAD  
STATE REGISTRAR OF VITAL RECORDS

07 SEP 21 1964

DATE ISSUED



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ENDORSED  
First Judicial District of Court

ALAMOS

SEP 21 2001

San Jose, Alamos &  
Los Alamos, New Mexico  
Santa Fe, NM 87504-2208

IN

1978387

NO. DO101 CV 200102076

*ya*

## ORDER FOR CHANGE OF NAME

MATTER came before the court for hearing upon a Petition for Change of Name. The Court examined the matter pursuant to §§40-8-1 NMSA 1978, et seq. and, being fully advised in the premises, FINDS:

1. The Petitioner has complied with all of the requirements of the law for a change of name.

2. No sufficient cause has been shown why the name of the Petitioner should not be changed.

IT IS THEREFORE ORDERED that the name of the Petitioner be and hereby is CHANGED to be ASPEN NOELLE.

*Art Encinas*

DISTRICT JUDGE

9/21/01

Submitted by:

Theresa P.A. Tafa

Petitioner, Pro Se

P.O. Box 2462

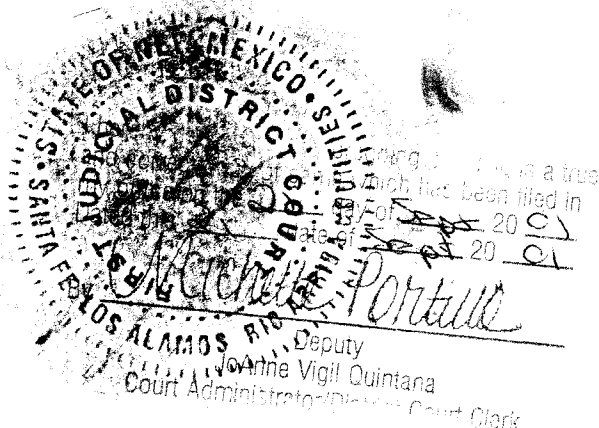
Address

Escondido NM 87532

City, State, Zip

505-747-7286

Telephone No.



ENDORSED

First Judicial District Court

FIRST JUDICIAL DISTRICT COURT  
COUNTY OF SANTA FE/RIO ARRIBA/LOS ALAMOS AUG 31 2001  
STATE OF NEW MEXICO

Santa Fe, Rio Arriba &  
Los Alamos Counties  
PO Box 2268  
Santa Fe, NM 87504-2268

IN THE MATTER OF A PETITION  
FOR CHANGE OF NAME OF

Theresa Tafaya

NO. DO101CV200102090

PETITION FOR CHANGE OF NAME

COMES NOW the Petitioner, Theresa Phyllis Anne Tafaya,  
pursuant to Section 40-8-1 NMSA 1978, and states as follows:

1. Petitioner is a resident of Santa Fe, Rio Arriba or Los Alamos County.
2. Petitioner is a person over the age of fourteen years.
3. Petitioner requests a change of name to: Aspen Doelle for the

following reasons:

1) my birth name "Theresa Phyllis Anne Tafaya" was given by my biological parents, of whom I have not had a relationship or contact in the last 15 years. I no longer wish to use this biological name.

WHEREFORE, Petitioner prays this Court for its order granting a  
change of name as requested.

Theresa Tafaya  
[Signature] PETITIONER PRO SE  
Print Name: Theresa Tafaya  
Address P.O. Box 2462  
City/State/Zip Escondido NM 87532  
Telephone No. 505-747-3456

VERIFICATION  
I HAVE READ THIS PETITION  
FOR CHANGE OF NAME AND IT IS  
TRUE TO THE BEST OF MY KNOWLEDGE  
AND BELIEF.

8-31-01  
Date

Theresa Tafaya  
Signature of Petitioner

SWORN TO BY THE PETITIONER BEFORE  
ME ON THIS 31<sup>st</sup> DAY OF August, 2001.

Commission Expires:

11-02-02

James H. [Signature]  
NOTARY PUBLIC